

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BellSouth Telecommunications, LLC d/b/a
AT&T Tennessee,

Plaintiff,

v.

Metropolitan Government of Nashville and
Davidson County, et al.,

Defendants.

Case No. 3:16-cv-2509 (Lead Case)

Judge Trauger

Comcast of Nashville I, LLC,

Plaintiff,

v.

Metropolitan Government of Nashville and
Davidson County, et al.,

Defendants.

Case No. 3:16-cv-2794 (Member Case)

Judge Trauger

FINAL JUDGMENT AND PERMANENT INJUNCTION

Pursuant to Federal Rules of Civil Procedure 56 and 58, this matter having come before the Court on Plaintiffs' motions for summary judgment [Doc Nos. 44, 49], Defendants' motion for summary judgment [Doc. No. 77], Plaintiffs' motion for entry of final judgment and injunction, and Nashville Electric Service's statement in response to the amended complaints [Doc. No. 113], the Court hereby enters judgment in favor of the Plaintiffs as to Counts I and II of their Complaints,

and enters judgment in favor of Defendants as to Count III of Plaintiffs' complaints. Accordingly, it is hereby **ORDERED and ADJUDGED** as follows:

1. The Court **DECLARES** that Metro Nashville Ordinance No. BL2016-343 ("the Ordinance") is preempted by federal law as applied to utility poles owned by BellSouth Telecommunications, LLC ("AT&T") and other private parties.

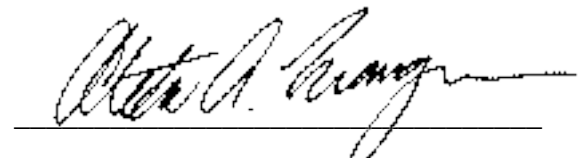
2. Defendants are **PERMANENTLY ENJOINED** from applying the Ordinance to utility poles owned by AT&T and other private parties.

3. The Court **DECLARES** that the Ordinance is *ultra vires* and void or voidable as to utility poles owned by Nashville Electric Service because adoption of the Ordinance exceeded Metro Nashville's authority and violated the Metro Charter.

4. Defendants are **PERMANENTLY ENJOINED** from applying the Ordinance to utility poles owned by Nashville Electric Service.

5. Each party shall bear its own costs, and these cases are closed.

Dated: January 5, 2018.


United States District Judge